

# EXHIBIT 16

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK : CIVIL TERM : PART 51

ANTHONY ZAPPIN

X

Plaintiff

- against -

Index Number  
301568/2014

CLAIRE COMFORT

Defendant

X

60 Centre Street  
New York, New York

December 3, 2015

B E F O R E :

HONORABLE MATTHEW F. COOPER, Justice

A P P E A R A N C E S :

Attorneys for Plaintiff:

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Official Court Reporters

1                   Zappin - Cross - Mr. Wallack  
2 the West Virginia State Parole Board, correct?

3           A.    Yeah. Well, what -- her parole hearing was  
4 after this was filed.

5           Q.    You filed this in retaliation for what you  
6 believe was Judge Kaplan contacting the West Virginia  
7 State Parole Board, correct?

8                   MR. SCHORR: Objection.

9                   THE COURT: Overruled.

10          A.    No. I filed this because if you look at the  
11 exhibit on the back, forgive my language your Honor, but  
12 I got my ass kicked (indicating). There is a big bruise  
13 on my arms --

14          Q.    You've answered the question, sir.

15          A.    -- on my butt. My butt has been in pleadings in  
16 almost every court in this county.

17                   THE COURT: Mr. Zappin, do you really  
18 believe a judge of New York Supreme Court would  
19 interject herself into your mother's legal troubles  
20 in West Virginia?

21                   THE WITNESS: I would hope not. But.

22                   THE COURT: Do you believe allegedly she  
23 did that?

24                   THE WITNESS: I would hope not. I would  
25 hope the information comes out I'm wrong, but.

26                   THE COURT: So you are saying that you

1                   Zappin - Cross - Mr. Wallack  
2           would make a serious allegation like that simply on a  
3           hope not?

4                   THE WITNESS: Well, I hope that a judge  
5           would not do that, but given all of the information  
6           and facts I had at the time of this filing --

7                   THE COURT: What evidence do you have?

8                   THE WITNESS: I think I answered that.

9                   THE COURT: What evidence do you have that  
10          Judge Kaplan contacted the West Virginia Parole Board  
11          to advocate your mother not be granted parole? What  
12          evidence do you have?

13                   THE WITNESS: Just statements by the people  
14          I talked to in the parole board, the documents that  
15          came back from the FOIA request.

16                   THE COURT: What do you -- what do  
17          documents show? Do they say a contact from a New  
18          York State Supreme Court named Debra Kaplan? What do  
19          they show?

20                   THE WITNESS: No.

21                   THE COURT: I thought you said you didn't  
22          get documents because the FOIA request was denied?

23                   THE WITNESS: Exactly -- no, it wasn't  
24          denied. They withheld certain documents because they  
25          are public sediment statements and not subject to  
26          FOIA requests, so I filed a lawsuit --

1 Zappin - Cross - Mr. Wallack

2 THE COURT: You have nothing written  
3 linking Judge Kaplan with your mother's parole  
4 hearing, correct?

5 THE WITNESS: Nothing written.

6 THE COURT: So what did you have that you  
7 say upon information and belief? What information do  
8 you have?

9 THE WITNESS: Just what they said to me on  
10 the phone.

11 THE COURT: Who said to you?

12 THE WITNESS: The lady at the parole  
13 board. She said a judge had contacted them about my  
14 mother's parole.

15 THE COURT: A judge? How many judges are  
16 there in the United States?

17 THE WITNESS: Quite a few.

18 THE COURT: You assumed then because a  
19 lady, as you call her, from the parole board said  
20 that a judge had contacted the parole board you then  
21 made an allegation that Justice Kaplan did; is that  
22 correct?

23 THE WITNESS: No, not solely based on  
24 that. We looked, said well, did any of the circuit  
25 judges in Cabell county do it, no. My mother's  
26 attorneys inquired. They sent letters. And no one



1 Zappin - Cross - Mr. Wallack

2 did.

3 THE COURT: Did you ask Justice Kaplan if  
4 she contacted the parole board?

5 THE WITNESS: Well, I think what -- how  
6 this came --

7 THE COURT: Answer my question. You said  
8 your brother and your mother's attorney contacted all  
9 judges, in what county?

10 THE WITNESS: Not my brother. My mother's  
11 --

12 THE COURT: Counsel. What county?

13 THE WITNESS: C-A-B-E-L-L county.

14 THE COURT: That attorney told you, did  
15 they send something in writing to that effect?

16 THE WITNESS: I talked to him on the phone.

17 THE COURT: So he contacted the judges,  
18 presumably he called the judges and said hey, did you  
19 do anything with regard to Lee Anne Zappin, right?

20 THE WITNESS: I don't know what he  
21 specifically did. He said he conducted an  
22 investigation.

23 THE COURT: Did you conduct an  
24 investigation as to what Judge Kaplan allegedly did?

25 THE WITNESS: I looked into it, yes.

26 THE COURT: How did you look into it?

1 Zappin - Cross - Mr. Wallack

2 THE WITNESS: I filed a FOIA request. My  
3 brother talked to the actual members of the parole  
4 board. I think one said yeah, we think somebody from  
5 New York contacted the parole board about your  
6 mother.

7 THE COURT: That is not what you testified  
8 at some point earlier. Now you're saying that your  
9 brother -- who is it, a brother? Said that somebody  
10 from the parole board in New York said a judge from  
11 New York contacted --

12 THE WITNESS: It was something --

13 THE COURT: And that's enough for you to  
14 put in a complaint against a judge?

15 THE WITNESS: Your Honor, it says upon  
16 information and belief. It doesn't say it's a fact.

17 THE COURT: Information and belief doesn't  
18 have to have a factual basis, is that what you're  
19 telling me?

20 MR. SCHORR: Your Honor.

21 THE WITNESS: I'm not saying it. If I  
22 looked into it, if I contacted Justice Kaplan, it  
23 would be an ex parte communication. She'd probably  
24 say I'm harassing her. But, you know, she did call  
25 the state police to get -- get Dr. Braverman's  
26 parking pass revoked.



1 Zappin - Cross - Mr. Wallack

2 THE COURT: Who is Dr. Braverman?

3 THE WITNESS: We went through it. He's a  
4 litigant in front of Justice Kaplan.

5 THE COURT: What does he have to do with  
6 you?

7 THE WITNESS: Just he's gone through  
8 similar abusive experiences in these matrimonial  
9 parts.

10 (Continued on the next page)

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21 (End T6)

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